

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JON CROSSLAND,

Plaintiff,

v.

WIDEORBIT, INC.,

Defendant.

Cause No. C18-1422RSL

ORDER OF SUBSTITUTION

This matter comes before the Court on plaintiff's "Motion for Substitution of Party on Behalf of the Estate of Plaintiff Jon Crossland." Dkt. # 66. Federal Rule of Civil Procedure 25(a)(1) provides:


Substitution if the Claim Is Not Extinguished. If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

Plaintiff served a statement noting Mr. Crossland's death on March 11, 2021, and filed this motion for substitution on July 2, 2021. The 90-day deadline may be extended under Fed. R. Civ. P. Rule 6(b), however, including after its expiration if the party failed to act due to "excusable neglect." *Zanowick v. Baxter Healthcare Corp.*, 850 F.3d 1090, 1094 (9th Cir. 2017). The Court finds excusable neglect in these circumstances, where there was a significant delay in the appointment of a personal representative and the motion for substitution was filed promptly once

1 that person was identified.

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3 The motion for substitution is GRANTED. The Clerk of Court is directed to substitute  
4 “Karen Walters, Personal Representative of the Estate of Jon Crossland” in place of Jon  
5 Crossland as plaintiff in this action. All future filings shall utilize the revised caption.  
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8 Dated this 30th day of July, 2021.  
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11 Robert S. Lasnik  
United States District Judge  
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